VOLUME 407 MAY 1973

THE ANNALS

of The American Academy *of* Political
and Social Science

RICHARD D. LAMBERT, *Editor*
ALAN W. HESTON, *Assistant Editor*

BLACKS AND THE LAW

Special Editor of This Volume
JACK GREENBERG
Director-Counsel
NAACP Legal Defense and Educational Fund, Inc.
New York, New York

PHILADELPHIA

© 1973, by THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE
All rights reserved

Library of Congress Catalog Card Number 72-93252

The articles appearing in THE ANNALS are indexed in the *Reader's Guide to Periodical Literature*, the *Book Review Index*, the *Public Affairs Information Service Bulletin*, and *Current Contents: Behavioral, Social, and Management Sciences*. They are also abstracted and indexed in *ABC Pol Sci*, *Historical Abstracts* and/or *America: History and Life*.

Issued bimonthly by The American Academy of Political and Social Science at Prince and Lemon Sts., Lancaster, Pennsylvania 17604. Cost per year for individuals: $12.00 paperbound; $16.00 clothbound. Institutions: $15.00 paperbound; $20.00 clothbound. Add $1.00 to above rates for membership outside U.S.A. Second-class postage paid at Lancaster and at additional mailing offices.

Editorial and Business Offices, 3937 Chestnut Street, Philadelphia, Pennsylvania 19104.

CONTENTS

		PAGE
PREFACE	*Jack Greenberg*	ix
RACISM AND THE EARLY AMERICAN LEGAL PROCESS, 1619–1896	*A. Leon Higginbotham, Jr.*	1
TOWARD AN EQUALITARIAN LEGAL ORDER: 1930–1950	*William H. Hastie*	18
SOUTHERN SCHOOL DESEGREGATION, 1954–1973: A JUDICIAL-POLITICAL OVERVIEW	*Marian Wright Edelman*	32
THE LEGAL STRUGGLE TO INTEGRATE PUBLIC SCHOOLS IN THE NORTH	*Robert L. Herbst*	43
HIGHWAYS AS A BARRIER TO EQUAL ACCESS	*Yale Rabin*	63
BLACK WORKERS INSIDE THE HOUSE OF LABOR	*William B. Gould*	78
EMPLOYMENT DISCRIMINATION AND THE LAW	*Albert J. Rosenthal*	91
RACIAL DISCRIMINATION IN THE ELECTORAL PROCESS	*Robert B. McKay*	102
RACE, JUDICIAL DISCRETION, AND THE DEATH PENALTY	*Marvin E. Wolfgang and Marc Riedel*	119
THE DEVELOPMENT OF THE BLACK BAR	*Walter J. Leonard*	134
LEGAL EDUCATION FOR BLACKS	*Kellis E. Parker and Betty J. Stebman*	144
BLACK PEOPLE AND THE TYRANNY OF AMERICAN LAW	*Haywood Burns*	156
LAW AND RACE IN BRITAIN	*Louis F. Claiborne*	167
BOOK DEPARTMENT		179
INDEX		263

BOOK DEPARTMENT PAGE

INTERNATIONAL RELATIONS

JANIS, IRVING L. *Victims of Groupthink: A Psychological Study of Foreign Policy Decisions and Fiascoes.* Alan M. Jones 179
ROSTOW, W. W. *The Diffusion of Power: An Essay in Recent History.* Louis Filler 180
ROTBLAT, J. *Scientists in the Quest for Peace: A History of the Pugwash Conferences.* Harry Alpert 181

LAW AND GOVERNMENT

CASPER, JONATHAN D. *Lawyers Before the Warren Court: Civil Liberties and Civil Rights, 1957–1966.* Holbert N. Carroll 182
CHASE, HAROLD W. *Federal Judges: The Appointing Process.* Thomas V. Gilpatrick 182
LANG, KURT. *Military Institutions and the Sociology of War: A Review of the Literature with Annotated Bibliography.* Joel C. Snell 183
LUSKIN, JOHN. *Lippmann, Liberty and the Press.* Franklin L. Burdette 184
ROSEN, PAUL L. *The Supreme Court and Social Science.* Henry M. Holland, Jr. 185
SPERLICH, PETER W. *Conflict and Harmony in Human Affairs: A Study of Cross-Pressures and Political Behavior.* Louis H. Douglas 186
STACY, FRANK. *The British Ombudsman.* Roy V. Peel 187

AFRICA AND LATIN AMERICA

CHILCOTE, ROBERT H., ed. *Protest and Resistance in Angola and Brazil.* Charles A. Joiner 188
GOLDHAMER, HERBERT. *The Foreign Powers in Latin America.* Henry Wells 189
LA FONTAINE, J. S. *City Politics: A Study of Leopoldville, 1962–63.* Barbara Calloway 190
NELSON, LOWRY. *Cuba: The Measure of a Revolution.* James F. Petras 191
OWUSU, MAXWELL. *Uses and Abuses of Political Power: A Case Study of Continuity and Change in the Politics of Ghana.* John M. MacKenzie 192

ASIA

AVERCH, HARVEY A., JOHN E. KOEHLER, and FRANK H. DENTON. *The Matrix of Policy in the Philippines.* Robert Tilman 193
AXELBANK, ALBERT. *Black Star Over Japan: Rising Forces of Militarism.* Justin Williams, Sr. 197
CARRAS, MARY C. *The Dynamics of Indian Political Factions: A Study of District Councils in the State of Maharashtra.* Robert L. Hardgrave 195
FISHER, ROGER. *Dear Israelis, Dear Arabs: A Working Approach to Peace.* Don Peretz 195
FITZGERALD, STEPHEN. *China and the Overseas Chinese: A Study of Peking's Changing Policy.* John F. Melby 197
HELLMANN, DONALD C. *Japan and East Asia: The New International Order.* Justin Williams, Sr. 197
LACHICA, EDUARDO. *The Huks: Philippine Agrarian Society in Revolt.* Robert Tilman 193

PAGE

LARKIN, JOHN A. *The Pampangans: Colonial Society in a Philippine Province.* David R. Sturtevant 198

LIANG, CHIN-TUNG. *General Stilwell in China, 1942–1944: The Full Story.* Raymond G. O'Connor 199

POMEROY, WILLIAM J., ed. *Guerrilla Warfare and Marxism.* Mario D. Zamora ... 200

RICE, EDWARD E. *Mao's Way.* Alan P. L. Liu 203

SCHLEIFER, ABDULLAH. *The Fall of Jerusalem.* Don Peretz 195

SEN GUPTA, BHABANI. *Communism in Indian Politics.* Mary C. Carrass 201

SUYIN, HAN. *The Morning Deluge: Mao Tsetung and the Chinese Revolution, 1893–1945.* Alan P. L. Liu 203

VASIL, R. K. *Politics in a Plural Society: A Study of Non-Communal Political Parties in West Malaysia.* Milton Esman 205

VATIKIOTIS, P. J. *Conflict in the Middle East.* James A. Bill 206

WILLMOTT, W. E., ed. *Economic Organisation in Chinese Society.* E. Stuart Kirby 207

EUROPE

AVRICH, PAUL. *Russian Rebels, 1600–1800.* Daniel Balmuth 209

BROCK, PETER. *Pacifism in Europe to 1914.* Robert Scharf 210

CROIX, G. E. M. DE STE. *The Origins of the Peloponnesian War.* J. Rufus Fears 210

FOLEY, DONALD L. *Governing the London Region: Reorganization and Planning in the 1960s.* Frank Bealey 211

IATRIDES, JOHN O. *Revolt in Athens: The Greek Communist "Second Round," 1944–45.* T. W. Adams 212

KRUSZEWSKI, Z. ANTHONY. *The Oder-Neisse Boundary and Poland's Modernization: The Socioeconomic and Political Impact.* Andrew Gyorgy 216

LUDZ, PETER C. *The Changing Party Elite in East Germany.* Gerard Braunthal .. 213

MCNEAL, ROBERT H. *Bride of the Revolution: Krupskaya and Lenin.* Forrestt A. Miller 214

PIKE, RUTH. *Aristocrats and Traders: Sevillian Society in the Sixteenth Century.* Gabriel Jackson 215

PIRAGES, DENNIS CLARK. *Modernization and Political-Tension Management: A Socialist Society in Perspective: Case Study of Poland.* Andrew Gyorgy 216

WITTLIN, THADDEUS. *Commissar: The Life and Death of Lavrenty Pavlovich Beria.* John C. Campbell 217

UNITED STATES

BAILEY, M. THOMAS. *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism.* Arthur H. DeRosier, Jr. 218

CALLAHAN, NORTH. *George Washington: Soldier and Man.* Jack T. Kirby 219

CHAFE, WILLIAM H. *The American Woman: Her Changing Social, Economic, and Political Roles, 1920–1970.* Alice Harris 219

GARGAN, JOHN J. and JAMES G. COKE, eds. *Political Behavior and Public Issues in Ohio.* Delmer D. Dunn 220

GILBERT, ROBERT E. *Television and Presidential Politics: The In-Depth Story of How Television Has Changed Presidential Politics.* Philip J. Hannon 221

PAGE

GREELEY, ANDREW M. *That Most Distressful Nation: The Taming of the American Irish.* Alfred McClung Lee 221

HANLEY, THOMAS O'BRIEN. *The American Revolution and Religion.* David H. Burton 228

HARLAN, LOUIS R. *Booker T. Washington: The Making of a Black Leader, 1856–1901.* Norman Lederer 222

JAFFE, JULIAN F. *Crusade Against Radicalism: New York during the Red Scare, 1914–1924.* Noel P. Gist 223

LASH, JOSEPH P. *Eleanor: The Years Alone.* Stuart Gerry Brown 224

MANGIONE, JERRE. *The Dream and the Deal: The Federal Writers Project, 1935–1943.* Susan M. Hartmann 225

MCSEVENEY, SAMUEL. *The Politics of Depression: Political Behavior in the Northeast, 1893–1896.* Paul Goodman 226

MOWRY, GEORGE E. *Another Look at the Twentieth-Century South.* James L. Roark 227

O'BRIEN, DAVID J. *The Renewal of American Catholicism.* David H. Burton 228

PARKS, ROBERT J. *Democracy's Railroads: Public Enterprise in Jacksonian Michigan.* Richard V. Clemence 229

RAWICK, GEORGE P. *The American Slave: A Composite Autobiography, vol. 1. From Sundown to Sunup; The Making of the Black Community.* Arnold H. Taylor 230

RUBIN, ISRAEL. *Satmar: An Island in the City.* Oscar Glantz 231

STEINBERG, ALFRED. *The Bosses.* Adam C. Breckenridge 232

STEINER, BRUCE E. *Samuel Seabury, 1729–1796: A Study in the High Church Tradition.* Bruce M. Stephens 233

SOCIOLOGY

ADELMAN, CLIFFORD. *Generations: A Collage on Youthcult.* Joseph Bien 234

ALVES, RUBEM A. *Tomorrow's Child: Imagination, Creativity, and the Rebirth of Culture.* Joseph Bien 234

BEN-DAVID, JOSEPH. *American Higher Education: Direction Old and New.* Stanley P. Wronski 242

DOOB, LEONARD W. *Patterning of Time.* William R. Catton, Jr. 235

FINGARETTE, HERBERT. *The Meaning of Criminal Insanity.* Ben E. Rubenstein ... 236

FRISCH, MICHAEL H. *Town Into City, Springfield, Massachusetts, and the Meaning of Community, 1840–1880.* Joel A. Tarr 237

GOODWIN, LEONARD. *Do the Poor Want to Work? A Social-Psychological Study of Work Orientations.* Sally Bould Van Til 238

HARRIS, CHAUNCY D. *Cities of the Soviet Union: Studies in Their Functions, Size, Density, and Growth.* Surinder K. Mehta 239

LLOYD, PETER C. *Classes, Crises and Coups: Themes in the Sociology of Developing Nations.* Joseph R. Gusfield 240

MIDELFORT, H. C. ERIK. *Witch Hunting in Southwestern Germany, 1562–1684: The Social and Intellectual Foundations.* Seth Leacock 241

REINERT, PAUL S. J. *To Turn the Tide.* Stanley P. Wronski 242

SCOTT, JAMES C. *Comparative Political Corruption.* Joseph R. Gusfield 240

PAGE

SHNEIDMAN, EDWIN S., ed. *Death and the College Student.* Morton Levitt 244

SUTTLES, GERALD D. *The Social Construction of Communities.* Francis G. Caro .. 245

VICKERS, GEOFFREY. *Freedom in a Rocking Boat: Changing Values in a Changing Society.* Phillip Moneypenny 246

WEISMAN, AVERY D. *On Dying and Denying: A Psychiatric Study of Terminality.* Morton Levitt 244

ECONOMICS

DESAI, PADMA. *Import Substitution in the Indian Economy, 1951–1963.* Jere Behrman 247

DESAI, PADMA. *Tariff Protection and Industrialization: A Study of the Indian Tariff Commission at Work, 1946–1965.* Jere Behrman 247

EADS, GEORGE C. *The Local Service Airline Experiment.* Stephen R. Michael 248

FISHER, BART S. *The International Coffee Agreement: A Study in Coffee Diplomacy.* Stanislaw Wasowski 248

GARVEY, GERALD. *Energy, Ecology, Economy.* Russell P. Bellico 249

GOLDMAN, MARSHALL I. *The Spoils of Progress: Environmental Pollution in the Soviet Union.* Norman J. G. Pounds 250

GORDON, DAVID M. *Theories of Poverty and Unemployment: Orthodox, Radical, and Dual Labor Market Perspectives.* Peter S. Albin 251

HELLMAN, RICHARD. *Government Competition in the Electric Utility Industry: A Theoretical and Empirical Study.* Harold L. Johnson 253

PALYI, MELCHIOR. *The Twilight of Gold, 1924–1936: Myths and Realities.* Arthur Kemp 254

ROSENBERG, NATHAN. *Technology and American Economic Growth.* Broadus Mitchell 255

INDEX

INDEX

Adams, John, 14
Allen, Macon B., 136
Abolitionists, 13–14
Allen v. *State Board of Elections*, 115–17
American Bar Association, 140, 148, 155, 165
AFL-CIO, 81, 86, 89
American Law Schools, Association of, 147, 148, 155
Amsterdam, Anthony, 126

Bar Examiners, Conference of, 155
Bay Area Rapid Transit, 75
Bay Area Transportation Study Commission, 73
Bell, Derrick A., 17
Berea College v. *Kentucky*, 16–17
Black American Law Students Association, 152
Black codes, 104, 137, 159
Black, Hugo, 109, 110, 116
Black Lawyers, National Conference of, 152, 155
Blackmun, Harry, 116
BLACK PEOPLE AND THE TYRANNY OF AMERICAN LAW, Haywood Burns, 155–66
BLACK WORKERS INSIDE THE HOUSE OF LABOR, William B. Gould, 78–90
Boxer Rebellion, 1899, 169
Brennan, Peter, 79
Brennan, William J., 121
Britain
  racial discrimination, 171, 175
  racial relations, 168–78
Brown v. *Board of Education*, 33–36, 42, 46–48, 48 n. 11–12, 52, 53, 59, 84, 147, 160
Building and Construction Trades Department, 81
Burger, Warren, 42, 84, 116, 120–21, 122, 123
BURNS, HAYWOOD, Black People and the Tyranny of American Law, 156–66
Busing, 2, 37, 39, 40–42, 44–48, 57
Byrd, Harry F., 34–35

Civil Disorders, National Commission on, 3–4
CLAIBORNE, LOUIS F., Law and Race in Britain, 167–78
Cobb, James A., 138
Colonialism
  British, 168–69
Congress, U.S., 12, 36, 41–42, 72–73, 75, 83, 92, 97, 99, 103–04, 106, 109, 111–15, 117, 126, 147, 160
Constitution, U.S., and amendments to
  and Blacks, 2, 3, 9, 10, 11, 14–15, 19, 22, 24, 48, 48 n. 11, 85, 96, 97, 103 n. 3, 103–11, 114–17, 120–22, 133, 139, 145, 158, 163
  and slavery, 2, 3, 9, 10, 11, 14–15, 19, 96, 103, 139, 145, 158
Crime
  and Blacks, 2, 5, 95, 120, 123–33, 160–61
  capital, 120–33
  homicide, 123–25
  rape, 123–33, 160–61
Criminal justice
  bail system, 161, 163
  and Blacks, 22, 120–33, 160–64
  capital punishment, 120–33, 160–61
  jury discretion, 122–23, 133, 161
Criminology and Criminal Law, Center for, University of Pennsylvania, 126–31
Cummings, Harry S., 138

Davenport, Ronald R., 152
Davis, Benjamin, 10
Deal v. *Cincinnati Board of Education*, 55 n. 30
Decentralization
  of U.S. cities, 64–71, 73–75
DEVELOPMENT OF THE BLACK BAR, THE, Walter J. Leonard, 134–43
DISFRANCHISEMENT
  of Blacks, 4, 19, 22–23, 103–07, 118, 137, 159
  "grandfather clause," 19, 22, 109, 159
  literacy test, 108, 110, 115, 116, 159
  poll tax, 108–09, 159
  white primary, 19, 22–23, 106–08
Douglas, William O., 121, 122
Douglass, Frederick, 2, 3, 4 n. 16, 15
Doyle, William E., 59–60
Draper, Garrison, 136
Dred Scott v. *Sanford*, 2, 8 n. 40, 12, 159
Du Bois, W. E. B., 21
Dulany, Daniel, 7
Dyer, David W., 82

Earl Warren Legal Training Program, Inc., 150–51
Economic Opportunity, Office of, 148, 155
EDELMAN, MARIAN WRIGHT, Southern School Desegregation, 1954–1973, 32–42
Education
  de facto segregation, 44–45, 46–48, 50–54, 59–62, 99
  de jure segregation, 15, 19–20, 22, 24–26, 33–36, 45–46, 69, 99, 145
  integration, 25–26, 30, 36–39, 49, 54–59, 60, 62
  integration, delay in, 33–36, 39–42, 44–45
Education, U.S. Office of, 20 n. 4, 25 n. 21, 37, 38

Educational Development, Academy of, 148, 152
Edwards, Harry T., 142, 154
Eisenhower, Dwight D., 35
Elementary and Secondary Education Act, 1965, 38, 45 n. 6
Elliott, Robert B., 137
Ely, J. H., 55–56 n. 32
EMPLOYMENT DISCRIMINATION AND THE LAW, Albert J. Rosenthal, 91–101
Employment
  discrimination, 65, 66–69, 71, 73, 79, 81, 88, 89–90, 92–93, 95–101, 154
  equal opportunity, 76–77, 85–87
Equal Education Opportunity Act, 41
Equal Employment Opportunity Commission, 81, 89, 92–94, 97, 99–100

Faubus, Orval, 35
Federal Aid Highway Act, 1962, 72–73
Federal Contract Compliance, Office of, 100
Federal funds
  cut-off of, 36–37, 39–40, 100–01
Federal Housing Administration, 5 n. 19
Feinberg, Wilfred, 84
Feldman, Max L., 77
Finch, Robert, 39–40
Frankfurter, Felix, 109–10
Franklin, John Hope, 5
Furman v. *Georgia*, 120–23, 133

Gerrymandering
  school district boundaries, 49–52, 56–57, 59, 62
  voting district boundaries, 115–16, 117, 161
Goodell, Williams, 9
GOULD, WILLIAM B., Black Workers Inside the House of Labor, 78–90
Graweere, Re, 6
GREENBERG, JACK, Preface, ix–x
Grier, E., 5 n. 19
Grier, G., 5 n. 19

Harlan, John M., 15–17, 115–16
Harris, Marvin, 8 n. 38
Harris poll
  on school desegregation, 42 n. 46
Hart, William H. H., 138
HASTIE, WILLIAM H., Toward an Equalitarian Legal Order, 1930–1950, 18–31
Hastie, William, 164
Haynsworth, Clement, 40
Hayes, George E. C., 139
Hayes-Tilden Compromise, 16, 105
Health, Education, and Welfare, Department of, 33, 38–40, 100
  Office of Civil Rights, 33 n. 1, 45 n. 6
Henderson v. *United States*, 30 n. 39
HERBST, ROBERT L., The Legal Struggle to Integrate Schools in the North, 43–62
HIGGINBOTHAM, A. LEON, JR., Racism and the Early American Legal Process, 1619–1896, 1–17
Higher Education
  segregation, 16–17, 25, 26–28, 138, 146
  integration, 27–30, 146–47, 149, 150
Highway Trust Fund, U.S., 71–72
HIGHWAYS AS A BARRIER TO EQUAL ACCESS, Yale Rabin, 63–77
Highways, U.S.
  and urban decentralization, 64, 70–77
Hill, Oliver W., 139
Holmes, Oliver Wendell, 17, 106 n. 30
House of Lords, 177
Housing
  discrimination, 5 n. 19, 20, 23–24, 45–46, 47, 52–53 n. 24, 57, 60, 64–66, 99, 161
  open, 74–77
  see also Urban planning
Housing and Urban Development, Department of, 72, 74–75
Houston, Charles H., 21–22, 26, 139, 146, 164
Howard Law Journal, 142
Howard University, 21–22, 136–38, 142, 145–46, 164
Humphrey, Hubert H., 39

Immigration
  laws, in Britain, 171, 176–77
  to Britain, 169–71
Indian Mutiny, 1857, 169
Interstate Riot Act, 162

Jamaican Revolt, 1865, 169
Jefferson, Thomas, 10, 12–13
Johnson, Elmer, 125
Johnson, Guy B., 125
Johnson, Lyndon B., 37, 38 n. 21, 104, 112
Jones, Nathaniel, 53, 56 n. 33, 59
Jordan, Vernon, 118
Jordan, Winthrop, 6 n. 30, 8
Justice, Department of, 40–41, 44, 82, 89, 99–100, 112, 116–17

Kain, John, 66–68
Kalachek, Edward, 68 n. 16
Katzenbach, Nicholas, 99
Katzenbach v. *Morgan*, 114–15
Katzenbach v. *South Carolina*, 113–15
Keith, Damon J., 58
Kelly, Arlene, 124–25
Kennedy, John, 35–37
Kennedy, Robert, 37
Khartoum
  "massacre" at, 169
King, Martin Luther, Jr., 36, 141

Labor, Department of, 81, 86
Lambert, John, 7 n. 36
Langston, John Mercer, 136, 145
Law Enforcement Assistance Administration, 162
Law Students Civil Rights Research Council, 151–52
LAW AND RACE IN BRITAIN, Louis F. Claiborne, 167–78
Lawyers, Black, 21–22, 26–29, 135–43, 145–55, 163–66
  bar examination, 152–53
LEGAL EDUCATION FOR BLACKS, Kellis E. Parker and Betty J. Stebman, 144–55
Legal Education Opportunity, Council on, 148, 150, 151
LEGAL STRUGGLE TO INTEGRATE SCHOOLS IN THE NORTH, THE, Robert L. Herbst, 43–62
LEONARD, WALTER J., The Development of the Black Bar, 134–143
Lewis, William H., 138
Litwack, Leon, 9, 14
Louisiana v. *United States,* 110–11
Lucy, William, 89
Lynching
  of Blacks, 4, 4 n. 16

McGautha v. *California,* 120–22
MCKAY, ROBERT B., Racial Discrimination in the Electoral Process, 102–19
McLaurin, G. W., 28–30
McLean, John, 11–12
Margold, Nathan, 21
Marshall, Burke, 141
Marshall, Thurgood, 34, 120, 121, 122, 139–40, 141, 145, 146, 164
Massachusetts Bill of Rights, 13
Meany, George, 79
Miller, Loren, 12, 15, 16 n. 87
Ming, William R., 152
Mitchell, John, 40, 41
Morris, Edward H., 138
Morris, Robert, 136
Murphy, Frank, 28 n. 32
Murray, Donald, 146

Nabrit, James M., 139, 164
Nash, A. E. Keir, 9–10
National Association for the Advancement of Colored People, 21–23, 25–26, 35, 36, 47–60, 93, 94, 97, 126, 139, 141, 142, 146, 150, 151, 155
National Bar Association, 140–41, 143, 148, 155
National Defense Education Act, 36
New Orleans Bee, 11
Nixon, Richard M., 39–42, 44, 79, 99
Nolde, Hans C., 124–25
Notting Hill Riots, 171

Ortique, Revius P., Jr., 143
Outreach Apprenticeship Program, 81, 86–87

PARKER, KELLIS E. and STEBMAN, BETTY J., Legal Education for Blacks, 144–55
Peltason, J. W., 42
Perkins v. *Matthews,* 115–17
Pinckney, Charles Cotesworth, 10
Plessy v. *Ferguson,* 4, 15–16, 17, 24, 28 n. 32, 30, 138, 160
Police
  brutality, 162–63
  corruption, 162–63
Political activism
  repression of, 162–64
Powell, Adam Clayton, Jr., 36
Powell, Enoch, 172, 174
Powell, Lewis F., 121, 123
Prigg v. *Pennsylvania,* 11–12
Public Roads, Bureau of, 72

Quock-Walker, 13

RABIN, YALE, Highways as a Barrier to Equal Access, 63–77
RACE, JUDICIAL DISCRETION, AND THE DEATH PENALTY, Marvin E. Wolfgang and Marc Riedel, 119–33
Race Relations Act, 1965 (British), 171–74
Race Relations Act, 1968 (British), 174–75, 177–78
Race Relations Board (British), 173–74, 175–76
  Community Relations Commission, 175–76
Racial Balance quotas, 37, 39, 49, 50, 52, 54, 57, 59, 62, 86
RACIAL DISCRIMINATION IN THE ELECTORAL PROCESS, Robert B. McKay, 102–19
Racism, 2–5, 8, 11, 16, 17, 19–23, 52, 54, 122, 137, 157, 159, 160, 162–66
Racism
  and U.S. Law 157–66
  in Britain, 168–69, 176–77
RACISM AND THE EARLY AMERICAN LEGAL PROCESS, 1619–1896, A. Leon Higginbotham, Jr., 1–17
Randolph, A. Phillip, 141
Ransom, Leon, 139
Ray, Charlotte E., 137, 146
Real, Manuel, 59 n. 37
Reconstruction, 105, 135–38, 159
Rehnquist, William, 116
RIEDEL, MARC, *see* WOLFGANG, MARVIN E., joint author
Ribicoff, Abraham, 36
Robinson, Donald L., 13–14
Rolfe, John, 5
ROOSEVELT, FRANKLIN D., 141
ROSENTHAL, ALBERT J., Employment Discrimination and the Law, 91–101
Roth, Stephen J., 55–58

Ruffin, George Lewis, 137
Ruffin, Thomas, 8–9
Rutledge, Wiley Blount, 28

Schuster, James T., 69
Sellin, Thorsten, 128
"Separate but Equal" doctrine, 4, 15, 16, 24, 25, 27–30, 59, 103
Seward, William F., 12
Sipuel, Ada, 27–28
Slave codes, 6, 9, 158
Slavery, 6–14, 145, 157–60
  in Britain, 168–69
  and the Declaration of Independence, 10
Smith v. *Allright*, 23, 30, 107
Sobeloff, Simon, 34
Southern Manifesto, 2 n. 5, 34–35
SOUTHERN SCHOOL DESEGREGATION, 1954–1973: A JUDICIAL-POLITICAL OVERVIEW, Marian Wright Edelman, 32–42
Sovern, Dean, 99
Standard Metropolitan Statistical Areas, 65–67, 69
State v. *Mann*, 8–9
STEBMAN, BETTY J., *see* PARKER, KELLIS E., joint author
Stroud, George M., 6–7, 9, 10
Stewart, Potter, 121
Story, Joseph, 12
Student Transportation Moratorium Act, 41
Sumner, Charles, 14–15
Supreme Court
  and Blacks, 2, 4, 8–9, 11–12, 15–17, 19–20, 22–23, 24, 27–30, 33–35, 39–42, 44, 46, 52–54, 59–62, 86–87, 93–94, 96–97, 104–11, 114–17, 120–23, 126, 133, 147, 159–60, 162, 163
Sweatt, Herman, 28–30

Taft-Hartley, 86
Taft, William Howard, 24
Taney, Roger B., 2, 12, 159
Thompson, Wilbur R., 71
Teamsters, International Brotherhood of, 80
Tocqueville, Alexis de, 157
TOWARD AN EQUALITARIAN LEGAL ORDER, 1930–1950, William H. Hastie, 18–31
Transportation, Department of, 73
Transportation, public, 64–65, 67–73, 75–77
Transportation Studies, Institute for, Villanova University, 68–69
Trotter, W. Monroe, 21
Truman, Harry S., 30

Unemployment, 67, 98
  in cities, 67–68
Unions, trade and labor
  and Blacks, 79–90
  seniority system, 80–84
United Auto Workers, 79–80
Urban planning, 65, 70, 72, 75–77
Urban Problems, National Commission on, 68, 70, 72–73

Voting Rights Act, 1965, 23, 112–18
Voting Rights Act, 1970, 104, 108
  for Blacks, 22–23, 108–13

Wallace, George, 39
Warren, Earl, 2, 61–62 n. 45
Washington, Booker T., 20
Washington, George, 12
Wells-Barnett, Ida, 4 n. 16
White, Byron R., 121
White, George H., 138
White, Walter, 141
Williams, W. T. B., 26
Wisdom, John M., 83, 110
Witherspoon v. Illinois, 121
WOLFGANG, MARVIN E., and RIEDEL, MARC, Race, Judicial Discretion, and the Death Penalty, 119–33
Wolfgang, Marvin E., 123, 124, 126
Woodward, C. Vann, 3, 106
Wright, Jonathan J., 136

Yarborough, Ex Parte, 107–108